

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 82
103RD GENERAL ASSEMBLY

0420H.03C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to treatment courts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 478.001, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 478.001, to read as follows:

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

(1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;

(2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;

(3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;

(4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;

(5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

(6) "Juvenile treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of juveniles in the juvenile court;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 (7) "Medication-assisted treatment", the use of pharmacological medications, in
20 combination with counseling and behavioral therapies, to provide a whole-patient approach to
21 the treatment of substance use disorders;

22 (8) **"Mental health treatment court", a treatment court focused on addressing**
23 **the mental health disorder or co-occurring disorder of defendants charged with a**
24 **criminal offense;**

25 (9) "Mental health disorder", any organic, mental, or emotional impairment that has
26 substantial adverse effects on a person's cognitive, volitional, or emotional function and that
27 constitutes a substantial impairment in a person's ability to participate in activities of normal
28 living;

29 ~~[(9)]~~ (10) "Risk and needs assessment", an actuarial tool, approved by the treatment
30 courts coordinating commission and validated on a targeted population of drug-involved adult
31 offenders, scientifically proven to determine a person's risk to recidivate and to identify
32 criminal risk factors that, when properly addressed, can reduce that person's likelihood of
33 committing future criminal behavior;

34 ~~[(10)]~~ (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes
35 clinically significant impairment, including health problems, disability, and failure to meet
36 major responsibilities at work, school, or home;

37 ~~[(11)]~~ (12) "Treatment court commissioner", a person appointed by a majority of the
38 circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment
39 court division;

40 ~~[(12)]~~ (13) "Treatment court division", a specialized, nonadversarial court division
41 with jurisdiction over cases involving substance-involved offenders and making extensive use
42 of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment
43 court divisions include, but are not limited to, the following specialized courts: adult
44 treatment court, DWI court, family treatment court, juvenile treatment court, **mental health**
45 **treatment court**, veterans treatment court, or any combination thereof;

46 ~~[(13)]~~ (14) "Treatment court team", the following members who are assigned to the
47 treatment court: the judge or treatment court commissioner, treatment court administrator or
48 coordinator, prosecutor, public defender or member of the criminal defense bar, a
49 representative from the division of probation and parole, a representative from law
50 enforcement, substance use **or mental health disorder** disorder treatment providers, and any
51 other person selected by the treatment court team;

52 ~~[(14)]~~ (15) "Veterans treatment court", a treatment court focused on substance use
53 disorders, co-occurring disorders, or mental health disorders of defendants charged with a
54 criminal offense who are military veterans or current military personnel.

55 2. **Before August 28, 2027**, a treatment court division shall be established~~], prior to~~
56 ~~August 28, 2021,]~~ by ~~[any]~~ **each** circuit court pursuant to sections 478.001 to 478.009 to
57 provide an alternative for the judicial system to dispose of cases which stem from, or are
58 otherwise impacted by, a substance use **disorder or mental health disorder**. The treatment
59 court division may include, but not be limited to, cases assigned to an adult treatment court,
60 DWI court, family treatment court, juvenile treatment court, **mental health treatment court**,
61 veterans treatment court, or any combination thereof. A treatment court shall combine
62 judicial supervision, drug or alcohol testing, and treatment of participants. Except for good
63 cause found by the court, a treatment court making a referral for substance use disorder **or**
64 **mental health disorder** treatment, when such program will receive state or federal funds in
65 connection with such referral, shall refer the person only to a program which is certified by
66 the department of mental health, unless no appropriate certified treatment program is located
67 within the same county as the treatment court. Upon successful completion of the treatment
68 court program, the charges, petition, or penalty against a treatment court participant may be
69 dismissed, reduced, or modified, unless otherwise stated. **Except for those costs waived**
70 **pursuant to section 488.016**, any fees received by a court from a defendant as payment for
71 substance **or mental health** treatment programs shall not be considered court costs, charges
72 or fines.

73 3. An adult treatment court may be established by any circuit court ~~[under sections~~
74 ~~478.001 to 478.009]~~ to provide an alternative for the judicial system to dispose of cases which
75 stem from substance use.

76 4. ~~[Under sections 478.001 to 478.009,]~~ A DWI court may be established by any
77 circuit court to provide an alternative for the judicial system to dispose of cases that stem
78 from driving while intoxicated.

79 5. A family treatment court may be established by any circuit court. The juvenile
80 division of the circuit court or the family court, if one is established under section 487.010,
81 may refer one or more parents or other household members subject to its jurisdiction to the
82 family treatment court if he or she has been determined to have a substance use disorder or
83 co-occurring disorder that impacts the safety and well-being of the children in the family.

84 6. A juvenile treatment court may be established by the juvenile division of any
85 circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the
86 juvenile is determined to have committed acts that violate the criminal laws of the state or
87 ordinances of a municipality or county and a substance use disorder or co-occurring disorder
88 contributed to the commission of the offense.

89 7. The general assembly finds and declares that it is the public policy of this state to
90 encourage and provide an alternative method for the disposal of cases for military veterans
91 and current military personnel with substance use disorders, mental health disorders, or co-

92 occurring disorders. In order to effectuate this public policy, a veterans treatment court [~~may~~
93 **shall** be established by [~~any~~] **each** circuit court, or combination of circuit courts upon
94 agreement of the presiding judges of such circuit courts, to provide an alternative for the
95 judicial system to dispose of cases that stem from a substance use disorder, mental health
96 disorder, or co-occurring disorder of military veterans or current military personnel. A
97 veterans treatment court shall combine judicial supervision, drug or alcohol testing, and
98 substance use and mental health disorder treatment to participants who have served or are
99 currently serving the United States Armed Forces, including members of the Reserves or
100 National Guard, with preference given to individuals who have combat service. For the
101 purposes of this section, combat service shall be shown through military service
102 documentation that reflects service in a combat theater, receipt of combat service medals,
103 or receipt of imminent danger or hostile fire pay or tax benefits. Except for good cause found
104 by the court, a veterans treatment court shall make a referral for substance use or mental
105 health disorder treatment, or a combination of substance use and mental health disorder
106 treatment, through the Department of Defense health care, the Veterans Administration, or a
107 community-based substance use disorder treatment program. Community-based programs
108 utilized shall receive state or federal funds in connection with such referral and shall only
109 refer the individual to a program certified by the department of mental health, unless no
110 appropriate certified treatment program is located within the same circuit as the veterans
111 treatment court.

112 **8. A mental health court may be established by any circuit court to provide an**
113 **alternative for the judicial system to dispose of cases that stem from a mental health**
114 **disorder or co-occurring disorder.**

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